

1 Remarks

2 Amendments to the claims

3 New claims 35-43 have been added as indicated above. Support for new
4 claims 35-43 is found at least at page 7, line 5 to page 18, line 24 of the Specification
5 and Figures 6A and 6B of the Drawings as originally filed. No new matter has been
6 added through the addition of new claims 35-43.

7
8 Rejection of Claims under 35 U.S.C. § 102

9 Claims 24-27 have been rejected under 35 U.S.C. § 102(b) as being
10 anticipated by U.S. Patent No. 4,926,287 to Rossman et al. ("Rossman").

11 The Applicants respectfully disagree that claims 24-27 are anticipated by
12 Rossman.

13 As a starting point, the PTO and the Federal Circuit provide that §102
14 anticipation requires each and every element of the claimed invention to be
15 disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d
16 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited
17 §102 reference of any claimed element negates the anticipation. (*Kloster*
18 *Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.
19 1986)). Furthermore, "[a]nticipation requires that all of the elements and limitations
20 of the claims are found within a single prior art reference." (*Scripps Clinic and*
21 *Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010
22 (Fed. Cir. 1991 (emphasis added)). Moreover, the PTO and the Federal Circuit
23 provide that §102 anticipation requires that there must be no difference between the
24 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*
25 *v. Genetech, Inc.*, id. (emphasis added)).

1 Accordingly, if the Applicants can demonstrate that any one element or
2 limitation in claims 24-27 is not disclosed by Rossman, then the respective claim(s)
3 must be allowed.

4 In the following arguments, the Applicants will focus in particular on
5 independent claim 24, as the Applicants believe that claim to be allowable over
6 Rossman. It is axiomatic that any dependent claim which depends upon an
7 allowable base claim is also allowable, and therefore the Applicants do not believe it
8 is necessary to present arguments in favor of each and every dependent claim.

9
10 Claim 24

11 The Applicants contend that claim 24, and rejected claims 25-27 which
12 depend thereon, are not anticipated by Rossman. With respect to claim 24, that
13 claim recites the following features and limitations:

14
15 An apparatus to secure a first electrical connector mounted to
16 an electronic module to a second electrical connector supported by a
17 support structure, such that the first and second electrical connectors
18 mate in an electrically conductive manner, comprising:

19 a latch having a first end and a lever portion, **the lever portion**
20 **configured to exert a force on the electronic module when in a**
21 **first position to thereby allow the first electrical connector and the**
22 **second electrical connector to be urged together;**

23 **a compliant member positioned between the latch first end and**
24 **the support structure to thereby bias the lever portion away from the**
25 **first position;** and

a catch configured to secure the latch in the first position.

(Emphasis added.)

1 The Examiner has alleged that the lever 31 of Rossman is equivalent to the
2 lever portion of the latch as recited by instant claim 24 (page 2 of Office Action).
3 Respectfully, the Examiner is mistaken.

4 Rather, Rossman teaches that a lever 31 is used in a generally raised position
5 so as to rotationally drive a threaded element 17 into a hole 16 of a base plate 15,
6 such that a male connector (not shown by Rossman) on a module 11 is drawn into
7 engagement with a female connector (not shown by Rossman) on the base plate 15
8 (Figs. 2-5; Col. 3, lines 6-39 of Rossman). Thereafter, Rossman teaches that the
9 lever 31 is generally lowered to another position, now that the engagement of male
10 and female connectors is complete by way of the threaded element 17 (Figs. 2 and
11 4-5; Col. 3, lines 41-46 of Rossman).

12 Nowhere does Rossman provide, teach or suggest a latch having a first end
13 and a lever portion, the lever portion configured to exert a force on the
14 electronic module when in a first position to thereby allow the first electrical
15 connector and the second electrical connector to be urged together, as recited
16 in combination with the other features of claim 24. In fact, once the lever 31 of
17 Rossman has been used to rotate the threaded element 17 into the hole 16, the
18 lever 31 can be completely removed and discarded, as it no longer serves any
19 *function whatsoever with respect to initiating or maintaining engagement of a male*
20 *connector with a female connector*. Therefore, the lever 31 of Rossman is neither
21 equivalent nor analogous to the lever portion of the latch as recited by claim 24.
22 Therefore, Rossman fails to provide at least one element as recited by claim 24.

23 Furthermore, the Examiner has alleged that the wedges (23, 24) of Rossman
24 are equivalent to a catch configured to secure the latch in the first position as recited
25 by instant claim 24. Respectfully, the Examiner is mistaken.

Rather, the wedges (23, 24) of Rossman are directed to applying a generally
lateral force upon a plug-in module 11 so as to urge the module 11 into thermally

1 conductive contact with a wall 13 of a chassis 12 (Figs. 2-3; Col. 2, line 65 to Col. 3,
2 line 3 of Rossman). Any role that is served by the wedges (23, 24) of Rossman is
3 too distantly removed to support characterizing the wedges (23, 24) as a catch
4 configured to secure a latch, in view of the dynamics and intended purpose thereof.
5 In any case, Rossman fails to provide, teach or suggest a catch configured to secure
6 the latch in the first position, as recited in combination with the other features of
7 claim 24. Therefore, Rossman fails to provide at least one other element as recited
8 by instant claim 24.

9 In view of the foregoing, the Applicants assert that claim 24 is allowable. As
10 claims 25-27 depend upon claim 24, it is axiomatic that they too are allowable at
11 least by virtue of their dependence upon an allowable base claim.

12 13 Support for New Claims

14 The Applicants assert that new claims 35-43 are allowable at least for reasons
15 that are substantially similar to those provided above in favor of claims 24-27, as well
16 as for their own respectively patentable features and limitations.

17 18 Summary

19 The Applicants believe that this response constitutes a full and complete
20 response to the Office Action. Therefore, the Applicants request reconsideration of
21 claims 24-27, as well as consideration on the merits of new claims 35-43, in favor of
22 timely allowance thereof.


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24 (Continued on next page.)
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1 The Examiner is respectfully requested to contact the below-signed
2 representative if the Examiner believes this will facilitate prosecution toward
3 allowance of the claims.

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5 Respectfully submitted,

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10 Date: September 21, 2004

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